

**MANCHESTER PLANNING BOARD  
BUSINESS MEETING AGENDA  
Thursday, July 15, 2021 – 6:00 PM  
City Hall, Third Floor – Aldermanic Chambers**

**Members Present:** Chairman Dan Leclerc, Vice Chairman June Trisciani, Bryce Kaw-uh, Sean Sargent, Chris Wellington

**Alternates Present:** Molly Lunn Owen

**Not Present:** Members: Alderman Pat Long, Andy Boyle, Robb Curry,  
Alternates: Barry Lussier, Todd Connors

**Staff Present:** Pamela Goucher, Deputy Director of Planning and Zoning; Jeff Belanger, Senior Planner; Kristin Bixby, Planner

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**I The Chairman calls the meeting to order and introduces Planning Board Members and Planning Staff.**

**II. BUSINESS MEETING:**

**1. S2021-003**

**Property located on Straw Road (Tax Map 890, Lot 3D), an application to subdivide one lot of approximately 5.84 acres into four buildable lots in the R-1A Zoning District. *T.F. Moran, Inc. for Stephen and Christine Duffley.***

Chairman Leclerc advised there were staff recommendations and the Board took a moment to review that information.

Ms. Trisciani said she was still not comfortable with the situation of four houses and two shared wells. She said it felt that maybe they were trying to do too much on the land but in the same token she was worried about the ramifications down the road. She would like them to go with three houses with independent wells.

Mr. Belanger said he spoke to the Health Department more about this issue and they had a similar take to what the Board heard from the applicant's engineer. Based on the soil lot sizing, which requires the 100 foot radii rather than 75 feet at the State level, they were more comfortable with the shared wells. He said another option was three individual wells and three lots, but as for the four lots they were much more comfortable going with two shared wells. They said in their experience it was not that uncommon to see a condo association or a duplex use a shared well, so they had seen it before.

Ms. Trisciani said when she asked questions about that they were going to be four single family homes; they are not going to be a condo association or a development. When she asked questions about how they were going to manage that they didn't really have any answers and no one came forward and said it will be an association agreement. In her mind it was like a shared driveway and it automatically sets you up for a conflict unless there is something in place with fees that are paid in order to maintain those wells and if something happened there was some sort of association, which would end up being two owners fighting each other. It did not make sense to her.

Mr. Belanger said there were aspects to this that the Health Department did not consider because it was not within their purview to consider. The legal aspect of any potential conflicts with neighbors was not necessarily focus; their focus was the septic loading and the ability of soils to deal with that.

Ms. Lunn Owen said she talked to a couple friends; a lender and a couple friends in the realty industry and in her research it sounded like a lender would approve. Most lenders will approve up to three houses on one well and it might turn off some risk adverse people who might not want to enter into this sort of agreement but she thought with the housing market the way it will probably be for the next couple of years from her perspective she thought the people who would enter into that agreement would be willing to take on that burden. It would be listed on the Deed. She thought the lender would have to do a water draw study to make sure that both houses are getting equal water and a water test or something like that as well. She saw it as being okay and a way to reduce costs while increasing density.

Ms. Goucher said there were a couple conditions in the staff report about making sure that it is tied to the Deed and making sure there is an agreement. She said that was probably the most the Board could do in this sort of situation. There was no subdivision improvement agreement that they would typically enter into on a project of this size so staff thought those were the best conditions they could put in if the Board was inclined to approve something with the wells this way.

Mr. Kaw-uh agreed that the shared wells could be a point of contention in the future but with the conditions, the extra conditions and also with the fact that other properties have had an agreement between the owners, he felt comfortable approving this as is. While there would be some risk for future conflict it was not severe enough to warrant a dis-approval at this point. Chairman Leclerc said he was leaning towards what Ms. Lunn Owen said as well; if you don't like the idea of sharing a well with someone else then don't buy the house.

Ms. Goucher said given that there were only six members present, they would all be voting.

Mr. Sargent asked whose property the well would be on. He said in condo associations you can have two colonial size houses attached to each other and they would share a well; which was pretty common, but usually the land is owned jointly. Mr. Belanger said it was shown in the plans that there are four lots numbered D, E, F and G and the wells would be on lots D and F. Lots D and E would share a well and Lots F and G would share a well. Ms. Goucher said that was why one of those conditions relative to an easement and access was important because it is actually on one person's lot and not where they often have it on shared land. This is definitely on one party's land and the adjacent home that shares that well needs to have access and that needs to be part of all of the Deeds and restrictions as well as notes on the plan. She thought they could only do so much but by getting things on record, by putting notes on plans and as Ms. Lunn Owen said, "It is buyer beware."

***Mr. Wellington made a motion to approve S2021-003 per staff recommendations, which was seconded by Ms. Lunn Owen. (Motion Carried)***

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning and Community Development Department, prior to submitting plans for final approval;
3. All new boundary monuments are to be set prior to submitting plans for final approval;
4. A note shall be added to the recorded plan stating that water will be supplied to each lot by a shared well and stating which lots will be served by each well. The note shall also state that the wells will be jointly maintained and that easements for access and maintenance to the wells shall be incorporated into each deed or simultaneously recorded with each deed;
5. A note shall be added to the recorded plan stating that an agreement shall be signed by the homeowners for the use and maintenance of shared wells;
6. Prior to final approval, the applicant shall submit the easements for staff review to ensure adequate access to wells;
7. All material changes to the approved plan shall be reviewed and approved by the Planning Board at a public hearing;
8. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations."
9. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval."
10. All conditions subsequent to final approval shall be noted on the recorded plan, or the notice of decision shall be recorded simultaneously with the plan, pursuant to RSA 676:3.
11. Prior to final approval, the applicant shall provide to the Highway Department a digital file in AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88)
12. To submit plans for final approval, the applicant shall submit one set of mylars for recording, one complete set of mylars to remain on file with the Planning Department, and four complete paper sets;

13. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a;
14. The applicant shall provide the Planning Department with the recorded plan number within 30 days of final approval;
15. An excavation permit from the Manchester Department of Public Works is required for all work within the public right-of-way. All work shall conform to the City of Manchester Standard Specifications;
16. Prior to the issuance of a certificate of occupancy for each house, the applicant shall provide Planning staff with a draft copy of the deed to each lot, which shall reference the existence of shared wells, an access easement to the wells, and a maintenance agreement for the wells. If an easement is to be recorded in a separate declaration, the easement shall be submitted with the deed;
17. The school impact fee of \$4,589 per single-family dwelling unit shall be submitted prior to the issuance of a certificate of occupancy; and
18. The fire impact fee of \$571 per single-family dwelling unit shall be submitted prior to the issuance of a certificate of occupancy.

2. **S2021-007**

**Property located at 7 Clement Street (Tax Map 594, Lots 17a & 17b), a subdivision application for the creation of two new buildable lots in the R-1B Zoning District. Joseph M. Wichert, LLS for 39 Bremer Street, LLC.**

Chairman Leclerc advised there were staff recommendations and the Board took a moment to review that information. He said there was also a waiver request for providing underground utilities. He said Mr. Wichert advised there was already a pole right next to the house and he would rather use that than underground utilities.

***Ms. Trisciani made a motion to approve the waiver from the Subdivision and Site Plan Regulations, Section 6.11 for providing underground utilities, which was seconded by Mr. Kaw-uh. (Motion Carried)***

***Ms. Trisciani made a motion to approve S2021-007 with staff recommendations, which was seconded by Mr. Wellington. (Motion Carried)***

**Conditions of Approval:**

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for

final approval;

2. The applicant shall obtain sign-off from all City reviewing agencies, prior to submitting plans for final approval;
3. All new boundary monuments are to be set prior to submitting plans for final approval;
4. The existing chain link fence shall be removed from the right-of-way prior to submitting plans for final approval;
5. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval";
6. The plan shall contain a note regarding the variances granted by the ZBA on April 27, 2021, along with any conditions of approval;
7. A school impact fee of \$4,589 per Single-Family detached dwelling unit and a fire impact fee of \$571 per Single-Family detached dwelling unit shall be submitted prior to the issuance of any Certificates of Occupancy for new houses on Tax Map 594, Lot 17A and Tax Map 594, Lot 17B;
8. All conditions subsequent to final approval shall be noted on the recorded plan, or the Notice of Decision shall be recorded simultaneously with the plan, pursuant to RSA 676:3;
9. Prior to final approval, the applicant shall provide to the Highway Department a digital file in AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88);
10. To submit plans for final approval, the applicant shall submit one set of mylars for recording, one complete set of mylars to remain on file with the Planning Department, and five complete paper sets;
11. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a; and
12. The applicant shall provide the Planning Department with the recorded plan number within 30 days of final approval.

**3. CU2021-011**

**Property located at 180 Pearl Street (Tax Map 18, Lot 22), a conditional use permit application for a reduction in on-site parking from 62 spaces required to 46 spaces provided in the C-1 Zoning District. *Fuss & O'Neill, Inc. for 180 Pearl Associates, LLC.***

**SP2021-015**

**Property located at 180 Pearl Street (Tax Map 18, Lot 22), a site-plan application to change the use of two existing buildings from professional offices to multi-family units, with associated site improvements, in the C-1 Zoning District. *Fuss & O'Neill, Inc. for 180 Pearl Associates, LLC.***

Ms. Goucher advised there was one proposed condition on the CU. It was with regard to the comments that came up at the public hearing regarding the parking spaces. She said if they granted the conditional use permit it would be with four less spaces.

Given the number of units and the location of this property, Mr. Kaw-uh felt the reduction of spaces from 46 to 42 was fine and retaining some more of that green space as well as preventing parking close to the stop signs seemed like a good idea so he was in favor of that condition. Ms. Lunn Owen said she was as well based on the size of the units and most of them being studios and one bedroom units.

***Mr. Kaw-uh made a motion, which was seconded by Mr. Sargent, to grant the conditional use permit (CU2021-011) to allow for a reduction in onsite parking from 62 spaces required to 42 spaces provided with four additional flexible spaces in the parking section closest to the entrance of the south parking area to be kept as a lawn area until expansion is deemed necessary for future parking use as shown on the site plan represented at the Planning Board business meeting today, July 15, 2021. (Motion Carried)***

Ms. Bixby advised there was some amended material regarding the site plan application based on some new information that was gained from the Department of Public Works after further review of the sidewalk area.

***Ms. Trisciani made a motion to approve the waiver from Section 8.6(B) of the Subdivision and Site Plan Regulations regarding reducing the dimensions on the loading spaces, which was seconded by Ms. Lunn Owen. (Motion Carried)***

***Ms. Trisciani made a motion to approve SP2021-015 with staff recommendations.***

Ms. Lunn Owen said she walked around that area and she did not think the oak tree was diseased but she could see how they were not able to construct their parking without taking it down, but she has issues with taking trees down that like. She asked if the trees on the plan and the greenery on the plan would grow back into a nice mature looking city block. It is a huge amount of area and it is pretty open right now.

Ms. Goucher said she thought so for the most part. There are a lot of trees in that general area but she thought what they proposed would take a few years but that is typical. She believed Mr. Golden, whose background is in landscape architecture, actually took a look at this plan too. Ms. Trisciani believed they were using larger caliper trees as well.

***Mr. Sargent seconded Ms. Trisciani's motion. (Motion Carried)***

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
  2. The applicant shall repair a portion of the site's sidewalk that runs parallel to Walnut Street, with a starting point of the intersection with Pearl Street and heading north for approximately 760 SF, to the specifications requested by the Department of Public Works on July 9, 2021;
  3. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning and Community Development Department, prior to submitting plans for final approval;
  4. The applicant shall obtain sign-off on a fire alarm and fire suppression system, as well as the exterior shut-off location, from the Manchester Fire Department, prior to the issuance of a building permit;
  5. The plan shall contain the following statement signed by the owner, "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use;"
  6. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Section 4.14 of the Manchester Subdivision and Site Plan Review Regulations;"
  7. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval;"
  8. All material changes to the approved plan, including any proposed signage, shall be reviewed and approved by the Planning Board at a business meeting;
  9. The school impact fee of \$3,125 per multi-family dwelling unit and \$508 per single room dwelling units shall be submitted prior to the issuance of a certificate of occupancy;
  10. The fire impact fee of \$512 per multi-family dwelling unit and \$166 per single room dwelling units shall be submitted prior to the issuance of a certificate of occupancy;
  11. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department; and
  12. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Section 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a.
4. **Review of new applications to determine whether they propose developments of regional impact and require comment by the Manchester Conservation Commission.**

*Ms. Trisciani made a motion, which was seconded by Mr. Sargent, that the following*

*applications do not have regional impact nor do they require review/comment by the Manchester Conservation Commission: S2021-008, SP2021-016, SP2021-018, SP2021-019, SP2021-021, SP2021-022, PDSP2021-002 and CU2021-013. (Motion Carried)*

### **III. ADMINISTRATIVE MATTERS:**

#### **1. Review and approval of the Planning Board Minutes of June 17, 2021.**

Review and approval of the Planning Board Minutes of June 17, 2021 was tabled to the next meeting. Mr. Sargent agreed to review that set of Minutes.

#### **2. Election of new officer(s) due to the resignation of Dan Leclerc as of July 15, 2021.**

*Chairman Leclerc nominated Ms. Trisciani to be Chairman, which was seconded by Mr. Sargent.*

No further nominations were made for Chairman and Chairman Leclerc closed the nominations.

*(Motion Carried)*

Chairman Leclerc opened up nominations for vice chairman.

*Mr. Sargent nominated Mr. Kaw-uh for Vice Chairman, which was seconded by Mr. Wellington.*

No further nominations were made for Vice Chairman and Chairman Leclerc closed the nominations.

*(Motion Carried)*

#### **3. Any other business items from the Planning Staff or Board Members**

Ms. Goucher advised that this afternoon Ms. Nazaka uploaded drawings of a proposed freestanding sign for Convenient MD to the Board members' site. When they were before the Board last year for their site plan approval they brought forward their signage package for the building but they weren't sure what the pole sign was going to look like. In the record they have Chairman Long asking if there was going to be an electronic message board with the pole sign and the response by the engineer was "I don't think so." She referred to the sign plan and said there is a rather large electronic message board. It is what the staff refer to as the "TV screen version" as opposed to the bank across the street that just has the information about time, weather and that kind of thing. This sign would have pictures. She advised the sign meets the criteria of the Zoning Ordinance regarding size and height. They got a variance to put it even closer to the right-of-way line than the five feet that is required by Ordinance. The Board's purview really comes down to aesthetics and what they like or don't like about the sign.



Ms. Trisciani asked if it was possible to hold this until the next meeting when there would be more of the Board members who deliberated this case involved. The Chairman said especially because Alderman Long asked the most questions and was told it probably wouldn't happen but now it is. The Chairman said it wasn't the most attractive sign he had ever seen.

Ms. Lunn Owen asked if 34 feet tall was normal. Ms. Goucher said they could go up to 40 feet.

Mr. Kaw-uh advised he would like an opportunity to drive by the location and see if other areas nearby have electronic signs because he couldn't recall any off the top of his head but it is possible they exist.

Ms. Lunn Owen said there are some really ugly signs there and they don't need to add another ugly sign to that road.

Ms. Goucher thought the only other tall electric message boards are with the car dealers further down on the opposite side. Both banks in the area have digital display, which might say "check our rates", "come in for a good loan", but it is just digitally displayed words.

Ms. Goucher asked if there was anything specific that any of the Board members present had a comment on that might be beneficial for her to take back to the applicant. Chairman Leclerc said perhaps make the Convenient MD Urgent Care sign bigger and the other one smaller.

Ms. Trisciani was concerned when you are flashing images and things that are this big that's an already busy intersection with a lot of distracted drivers. It is one of those signs that when these signs get so tall people take their eyes off the road and look up at the sign. Ms. Goucher said she had a phone call with the City's traffic engineer who typically weighs in as to whether or not she feels it interferes with the traffic signals because the traffic signals are right there and the traffic signals are only 17 feet tall so it is way higher. As a frequent user of that intersection, Ms. Trisciani said she would like to make it less dangerous not more dangerous.

Ms. Lunn Owen said it is largely a residential area with the exception of that commercial strip and she would be inclined to say it should be a much smaller sign with no TV screen as that seemed out of character with the City even though there are existing signs like that as that's not the direction she felt the Board was trying to go.

Mr. Belanger advised in 2016 the Planning Board passed new regulations and some of those regulations deal with aesthetics and they deal with signs in particular. He referred to Section 8.8 of the Subdivision and Site Plan Regulations. Ms. Goucher said there was another section in the Zoning Ordinance but that primarily pertains to dimensional, the size that is permitted in different districts.

Mr. Kaw-uh said either a monument sign or a sign that is even affixed to the building itself could fit better with the surrounding environment, but he would like to discuss it with everyone else at the next meeting.

Chairman Leclerc

On behalf of the staff, Mr. Belanger thanked Chairman Leclerc for his excellent job, hard work, and professionalism in handling of all the meetings.

***Ms. Trisciani made a motion to adjourn, which was seconded by Mr. Wellington.***

***(Motion Carried)***

ATTEST: \_\_\_\_\_  
Dan Leclerc, Chairman  
Manchester Planning Board

APPROVED BY THE PLANNING BOARD: September 2, 2021

☐ With Amendment  
☒ Without Amendment

**The above minutes are a summary of the meeting and are not intended to be verbatim.  
Audiotapes are available in the Planning and Community Development office for a limited time.**